

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLENN JOHNSON

Write the full name of each plaintiff.

No. 23 cv. 5264 (VSB) (GWG)
(To be filled out by Clerk's Office)

**FIRST
AMENDED
COMPLAINT**

(Prisoner)

-against-

CITY OF NEW YORK, NEW YORK CITY TRANSIT

Do you want a jury trial?

BOROUGH MANHATTAN TASK FORCE, P.O. CLAUDIO DIAZ # ☒ Yes ☐ No

16786, LIEUTENANT LYNDON TUCKETT #00000,
SERGEANT THOMAS DALEY #3644, P.O. ANGEL CASTILLO #13377
P.O. THOMAS GERDING #1527, P.O. JAMES PALLADINO #15232

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

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I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights: 8TH AMENDMENT AND 14TH AMENDMENT RIGHTS

☒ Other: FALSE ARREST, MALICIOUS PROSECUTION, FALSE IMPRISONMENT

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

GLENN JOHNSON
First Name Middle Initial Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

DIN #: 2383958 NYSID #: 04161411K

Prisoner ID # (If you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

CLINTON CORRECTIONAL FACILITY
Current Place of Detention

Box
P.O. 2000.
Institutional Address

DANHEMORA NEWYORK 12929
County, City State Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced prisoner
☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1: CLAUDIO DIAZ #16786
 First Name Last Name Shield #
POLICE OFFICER
 Current Job Title (or other identifying information)
TRANSIT BOROUGH MANHATTAN TASK FORCE
 Current Work Address
NEW YORK NEW YORK 10019.
 County, City State Zip Code

Defendant 2: LYNDON TUCKETT #00000
 First Name Last Name Shield #
LIEUTENANT
 Current Job Title (or other identifying information)
TRANSIT BOROUGH MANHATTAN TASK FORCE
 Current Work Address
NEW YORK NEW YORK 10019.
 County, City State Zip Code

Defendant 3: THOMAS DALY #3644
 First Name Last Name Shield #
SERGEANT
 Current Job Title (or other identifying information)
TRANSIT BOROUGH MANHATTAN TASK FORCE
 Current Work Address
NEW YORK NEW YORK 10019.
 County, City State Zip Code

Defendant 4: ANGEL CASTILLO #13377
 First Name Last Name Shield #
POLICE OFFICER
 Current Job Title (or other identifying information)
TRANSIT BOROUGH MANHATTAN TASK FORCE
 Current Work Address
NEW YORK NEW YORK 10019.
 County, City State Zip Code

UNITED STATES DISTRICT COURT

12/18/23

SOUTHERN DISTRICT OF NEW YORK

500 PEARL STREET PROSE INTAKE UNIT

NEW YORK, NEW YORK 10007.

JOHNSON V. CITY OF NEW YORK 23 CV. 5264 (VSB) (GWA)

DEFENDANT INFORMATION:

DEFENDANT 5: THOMAS GERDING #: 16786

POLICE OFFICER

TRANSIT BOROUGH MANHATTAN TASK FORCE

NEW YORK, NEW YORK 10019.

DEFENDANT 6: JAMES PALLADINO #: 15232

POLICE OFFICER

TRANSIT BOROUGH MANHATTAN TASK FORCE

NEW YORK, NEW YORK 10019.

GLENN JOHNSON (PROSE)

DIN: 23 B3958

CLINTON C.F.

DANNEMORA, NEW YORK

12929, P.O. BOX 2000

V. STATEMENT OF CLAIM

Place(s) of occurrence: SUBWAY STATION 8TH AVENUE AND WEST 42ND STREET NEWYORK, N.Y.

Date(s) of occurrence: OCTOBER 2, 2019

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

THE FOLLOWING IS A SUMMARY AND DOES NOT INCLUDE ALL DETAILS CONCERNING THE INCIDENT. CASE # CR-031602-19 NY. CLAIMANT WAS ILLEGALLY STOPPED, SEARCHED AND ARRESTED, WITHOUT CAUSE OR JUSTIFICATION. CLAIMANT WAS FALSELY ARRESTED IMPRISONED AND MALICIOUSLY PROSECUTED BASED UPON LIES TOLD BY THE NYPD POLICE OFFICERS JOHN AND JANE DOES 1-6 AND THE FAILURE OF OTHER OFFICERS TO INTERVENE. ON OCTOBER 02, 2019, AT 8:05 P.M. IN THE SUBWAY STATION AT 8TH AVENUE AND WEST 42ND STREET IN THE COUNTY AND STATE OF NEWYORK, CLAIMANT WAS UNLAWFULLY STOPPED, SEARCHED AND ARRESTED, CLAIMANT DID NOT COMMIT ANY CRIMINAL ACTS ASSAULT IN THE THIRD DEGREE, CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE, AGGRAVATED HARRASSMENT IN THE SECOND DEGREE, SALE OR POSSESSION OF A TEARGAS - NOT DNA ELIGIBLE. NOR DID HE ASSAULT ANY BODY WITH A WEAPON. BAIL WAS SET AT ARRAIGNMENT. ON OCTOBER 2, 2019, CLAIMANT CHARGES WAS ALL DROPPED AND DISMISSED ON AUGUST 11, 2022. CLAIM FOR PERSONAL, EMOTIONAL AND PHYSICAL INJURIES SUSTAINED BY CLAIMANT AS A RESULT OF INTENTIONAL, RECKLESS, AND NEGLIGENT CONDUCT BY AGENTS, SERVANTS AND EMPLOYEES OF THE CITY OF NEWYORK (CITY) AND THE NEWYORK CITY POLICE DEPARTMENT (NYPD).

RULE 8: REQUIRES A COMPLAINT TO INCLUDE ENOUGH FACTS TO STATE A CLAIM FOR RELIEF "THAT IS PLAUSIBLE ON ITS FACE." BELL ATL. CORP. V. TWOMBLY, 550 U.S. 544, 570, 127 S. CT. 1955, 167 L. ED. 2D 929 (2007). ASHCROFT V. IQBAL, 556 U.S. 662, 678-79 129 S. CT. 1932, 173 L. ED. 2D 968 (2009). A CLAIM IS FACIALLY PLAUSIBLE IF THE PLAINTIFF PLEADS ENOUGH FACTUAL DETAIL TO ALLOW THE COURT TO DRAW THE INFERENCE THAT THE DEFENDANT IS "LIABLE" FOR THE ALLEGED MISCONDUCT. IN REVIEWING THE COMPLAINT THE COURT MUST ACCEPT ALL WELL PLEADED FACTUAL ALLEGATION AS TRUE. HN3- IN ADDITION TO PROVING RULES THAT GOVERN COMPLAINTS FEDS. R. CIV. P. 8 ALSO CONTAINS SEVERAL PROVISIONS THAT GOVERN RESPONSIVE PLEADING TWO OF THEM ARE RULE 8(B)(1)(A) AND 8(C). RULE 8(B)(1)(A) GOVERN "DEFENSES" ADMISSIONS AND DENIALS.
INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

THE CLAIMANT WAS SUBJECTED TO PERSONAL AND PHYSICAL INJURIES, AN UNLAWFUL SEIZURE, FALSE ARREST AND IMPRISONMENT, MALICIOUS PROSECUTION, ABUSE OF PROCESS, NEGLIGENCE, INTENTIONAL AND NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS, HARRASSMENT, UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT, AND TO A DEPRIVATION OF, HIS CONSTITUTIONAL, CIVIL AND COMMON LAW RIGHTS. AS A RESULT OF THE OFFICERS ACTIONS, CLAIMANT EXPERIENCED PERSONAL, PHYSICAL AND EMOTIONAL INJURIES, PAIN AND SUFFERING, FEAR, AND INVASION OF PRIVACY

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

PSYCHOLOGICAL PAIN, EMOTIONAL DISTRESS, MENTAL ANGUISH, EMBARRASSMENT, AND HUMILIATION. CLAIMANT WAS INCARCERATED FROM OCTOBER 2, 2019 UNTIL AUGUST 11, 2022. CLAIMANT ATTENDED MULTIPLE COURT APPEARANCES. CASE DISMISSED AUGUST 11, 2022. CASE # CR-031602-19NY "ALSO DAMAGES FOR CAR LOSS GMC TERRAIN 2010 AND SOCIAL SECURITY DISABILITY STOPPED \$780.00 MONTHLY." SEEKS DAMAGES FOR HIS LOSS OF LIBERTY FROM BEING DETAINED FOR NEARLY 12 MONTHS EMOTIONAL PAIN AND SUFFERING THAT CAUSED HIM EMOTIONAL PAIN MENTAL ANGUISH SIGNIFICANT LOSS OF SLEEP, HUMILIATION AND EMBASSMENT IN FRONT OF HIS FAMILY PARANOIA FROM A FEAR OF BEING FALSELY TARGETED AGAIN BY LAW ENFORCEMENT AND A LOSS IN HIS SENSE OF SECURITY IN HIS OWN NEIGHBORHOOD. TOTAL AMOUNT CLAIMED: \$1,000,000.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>12/18/23</u>		<u>Glenn Johnson</u>
Dated		Plaintiff's Signature
<u>GLENN</u>		<u>JOHNSON</u>
First Name	Middle Initial	Last Name
<u>CLINTON CORRECTIONAL FACILITY P.O. BOX 2000</u>		
Prison Address		
<u>DANNEMORA</u>	<u>NEW YORK</u>	<u>12929</u>
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 12/19/23

LEGAL MAIL

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
CLINTON CORRECTIONAL FACILITY

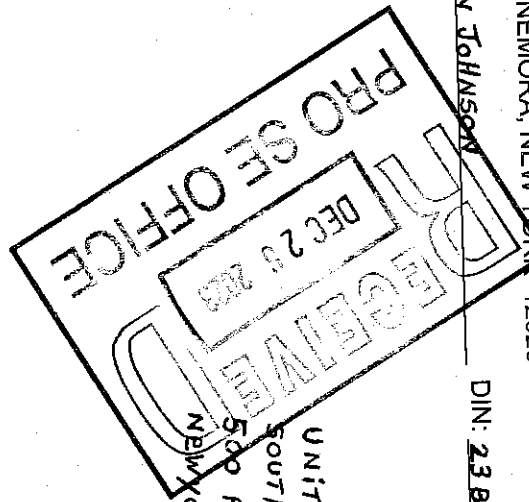
P.O. BOX 2009
DANNEMORA, NEW YORK 12929

NAME: GLENN JOHNSON

DIN: 23B3958

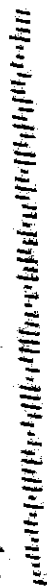
Correctional Facility

Clinton



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET PROSE INTAKE UNIT
NEW YORK, NEW YORK 10007.

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